THE CITY OF SAN DIEGO

REQUEST FOR QUALIFICATIONS



FOR THE LEASE AND OPERATION AS A MASTER TENANT OF THE TUBMAN-CHAVEZ MULTICULTURAL CENTER CITY-OWNED IMPROVED PROPERTY LOCATED AT 415 NORTH EUCLID AVENUE, SAN DIEGO, CALIFORNIA

PROPOSAL DEADLINE: 4:00 p.m. Tuesday

December 3, 2013

LOCATION: Real Estate Assets Department

17th Floor, Civic Center Plaza

1200 Third Avenue, Suite 1700

San Diego, CA 92101

CONTACT PERSON: Charmaine Gillis

Property Agent

TELEPHONE: (619) 236-6986

The City of San Diego (City) invites proposals from qualified firms or individuals, hereafter referred as "Proposer" or "Proposers" to lease and operate the City-owned property as a "Master Tenant" located at 415 North Euclid Avenue, San Diego, California, also known as the "Tubman-Chavez Multicultural Center" (Center). The Center is currently operated and is to continue to be operated as a non-profit, non-religious community outreach center that provides programs in arts and culture, business training, computers and technology, educational services, employment placement, financial literacy, health education, recreational activities, and other related or incidental purposes. The City's Real Estate Assets Department (READ) is seeking proposals from qualified operators via a Request for Proposal (RFP) process.

A. BACKGROUND

The Center consists of a one story building of approximately 7,108 square feet with an adjacent parking lot on 0.621 acres total located on the corner of Euclid Avenue and Market Street as indicated in the attached Exhibit A. Upon the award to the selected Proposer (Selected Proposer) or as soon as reasonably possible thereafter, the City will provide the requisite notice to terminate any current leases in order to execute a new lease with the Selected Proposer. A term of three years with is available to the Selected Proposer.

B. TYPE OF PROPOSALS SOUGHT

The City is seeking proposals to lease and operate the Center as a "Master Tenant", excluding two offices; which are allocated for City of San Diego Council District 4. These offices shall be used exclusively by City Council District 4 during the term of a lease agreement between the City and the successful proposer.

The Master tenant shall manage approximately seven sublessees, collect annual rents, pay and maintain monthly janitorial and landscaping services for the premises, maintain conference room calendar, collect fees for special events and conference room fees, submit a monthly calendar and record of fees collected to the property agent. The Master tenant will have the option of one large corner office or two smaller offices for no charge for the duration of the lease.

It would be to each Proposer's advantage to inspect the Center. A pre-proposal inspection will be scheduled for this purpose with a representative of the City's Real Estate Assets Department present to answer questions.

Each proposal should reflect the City's desire to have an operator who provides a high level of service to the public and surrounding communities while it operates, manages and maintains the Center and related activities in a fiscally responsible manner, that enhances the Center and the surrounding neighborhood. Only proposals by non-profit organizations will be deemed responsive to this RFP. Proposals submitted by any other type of entity will be rejected as non-

responsive. Furthermore, the non-profit organization submitting a proposal must also be the entity to sublease an office within and operate the Center in order for the proposal to be deemed responsive.

As part of preparing a proposal, each Proposer should consider all available industry guidelines relating to liability, public health standards, recreational operations, Americans with Disabilities Act (ADA) access, and the highest standards of maintenance of the Center.

C. PROPOSAL CONTENT

General

All proposals should include, as a minimum, the information specified below. Failure to include this information will seriously detract from a proposal and may be cause for its rejection. The inclusion of any additional information which will assist in the evaluation is encouraged. The adequacy, depth, and clarity of the proposal will influence to a considerable degree its evaluation. The proposal submitted must be complete enough for a selection to be made from the material contained in it alone. Proposers are urged to make their best offer in their proposals as there will be no auction or competitive negotiation of this lease.

D. FORM OF AGREEMENT TO BE USED

LEASE

Upon acceptance of a proposal, the City will negotiate a Public Purpose lease based substantially on the terms and conditions contained in a standard City lease. However, the City reserves the right to negotiate modifications with the Selected Proposer to the extent deemed necessary by the City provided that any such modifications: (1) do not amount to a substantial change to the lease not already set forth in the Selected Proposer's proposal; and, (2) do not provide any unfair competitive advantage to the Selected Proposer. Proposers requiring special conditions or deviations from the City's standard lease provisions shall state the exact changes and specify the alternate language in their proposals. Other factors being equal, the City will modify a proposal which requests major or numerous changes that are disadvantageous to the City.

E. RESPONSIBILITY OF PROPOSERS

1. Each Proposer is responsible for making all investigations and examinations necessary for leasing and operating the Center, including any plan to further develop or otherwise improve the Center if a Proposer chooses to do so. Failure to do so will not waive any condition of the Lease. Each Proposer acknowledges

and agrees that the submission of a proposal shall be considered conclusive evidence that the Proposer has made such investigations and examinations. Furthermore, by submitting a proposal, the Proposer acknowledges that Proposer has reviewed and understands the terms and conditions of the Sublease and if selected, agrees to timely execute the Lease.

2. Proposers may withdraw their proposals at any time prior to the submission deadline upon written notice to the City's Real Estate Assets Department.

F. PROPOSAL CONTENTS

All proposals must include at a minimum the information specified below. The inclusion of any additional information that will assist in the evaluation is encouraged. The adequacy, depth and clarity of a proposal will influence to a considerable degree its evaluation. Each proposal submitted must be complete enough for selection to be made based solely on its contents. Proposers are advised to make their best offer in their proposals as there will be no auction or competitive negotiation of this Lease.

Each proposal <u>MUST</u> include the following information as set forth in 1-4 below. Failure to include any of this information shall result in the rejection of such proposal in accordance with Section N of this RFP.

- 1. <u>Identification</u>. The proposal must include the full name of Proposer's non-profit entity or organization, its federal tax identification number and the full names and complete addresses of the principals who will be responsible for the operation of the Center and their position within the organization. The proposal shall include a listing of all individuals or members who have any ownership interest in the non-profit organization, including their interest in the operation of the non-profit entity and percentage of ownership. Each Proposer shall include a certification of "good standing" letter from the Secretary of State regarding its 501c (3) status. Each Proposer must submit a current and complete Work Force Report using the form attached as Exhibit B. Furthermore, each Proposer is required to execute the "Declaration Regarding Information Requested under the California Public Records Act" attached as Exhibit C.
- 2. <u>Experience</u>. A summary of the Proposer's experience and qualifications for the leasing and operation of a community outreach center. Each proposal shall include all of the full name(s) of the individuals who will be managing the operation of the Center and the relevant experience of each such individual.
- 3. <u>Financial Statements</u>. Each proposal shall include current financial statements or tax returns for the preceding three years. Such statements and tax returns must either be audited by a licensed, qualified individual or prepared by a Certified

Public Accountant. Proposer shall submit an income and expense budget for the preceding three (3) years with sufficient detail to indicate how figures were derived and current financial statements listing all assets and liabilities. Provide a detailed estimate of operating expenses for the first three (3) years of full operation under the Lease. Each Proposer shall submit a full and detailed statement of the Proposer's true financial condition as of December 31, 2012 or a date as recent as possible if a financial statement pertaining to that date is not available, but such statement must have been conducted within the preceding twelve (12) months of the date of submittal of the proposal. The statement shall include the Proposer's assets, liabilities, and net worth, including the availability of operation capital and its source. If the Proposer plans to use borrowed capital, then the amount of borrowed capital proposed for any improvements and the operation of the Center and its source, as well as the terms of repayment must be included in the financial statement.

4. Proposed Operation Hours, Programs and Community Outreach. Each proposal shall clearly set forth the hours of operation for each day, including any holidays or other days in which the Center will be closed. Each proposal shall also include a detailed description of all of the various types of programs that will be offered at the Center. The description should include how the program will operate, the community need that is being met by each program, the anticipated number of clients that will be served by each program, and any cost per participant associated with each program, Each proposal should also include a description of how the Proposer intends to enhance the visibility of the Center and to encourage public participation and use of the Center.

Please be advised that the award of this RFP to the Selected Proposers does not constitute, and shall not be construed in any manner whatsoever to be, City approval of any permits or entitlements necessary for the proposed construction. The Selected Proposer must obtain and is fully and solely responsible for obtaining all necessary permits and entitlements for any such proposed construction.

The City requires non-profit tenants who occupy City-owned property at a reduced rental rate as part of a public purpose lease to provide the items (a) and (b) below to qualify. Failure to provide this information will seriously detract from a proposal and may be cause for its rejection. In order to qualify for the reduced rental rate being offered pursuant to the Lease, the services that are indicated or proposed for the public should be services that the City would possibly be responsible for in the absence of your organization providing such services.

a. Evidence of Organization Structure.

- 1. Submittal must include complete copies of the recorded Articles of Incorporation or partnership agreements.
- 2. Complete copy of the organization's current bylaws.
- 3. Copies of local, state, federal or any other accepted accreditation board or licenses/certificates evidencing organization recognition and /or the right to do business in this locality.
- 4. A complete list of current board members.
- 5. Certification that the organization requires a minimum of four (4) directors to establish a quorum to conduct business.
- 6. Certification that regular board meetings are held at least once a quarter, evidenced by properly recorded, approved and executed minutes.
- 7. Certification that the Executive Director or any other paid staff does not also serve as a voting Board Member.
- 8. Current list of all staff members, paid and unpaid.

b. <u>Organization Background.</u>

- 1. Provide a complete description of the organization's purpose, goals and priorities.
- 2. Set forth the current number of employees in the organization and the number of clients served and provide supporting documentation.
- 3. Detailed summary of services, days and hours your organization will be operating. Please be advised this will be a contractual agreement, with annual recertification, that includes inspections and audits to insure the services are rendered.

G. NON-CONFORMING PROPOSALS

The City anticipates leasing the Center under the terms and conditions outlined in this Request for Proposals and as set forth in the Lease. Proposers are encouraged to offer

terms more favorable to the City than those specified herein. Proposers should bear in mind the competitive nature of the proposal process and the fact that the City will be looking for the proposal which offers the best advantage to the City. However, the City may also consider proposals offering alternative terms. Proposers requesting deviations from the attached Lease shall specifically indicate the requested changes in their proposals. The City is not obligated to award this RFP to any proposal, whether conforming or non-conforming.

H. PRE-PROPOSAL INSPECTION

To give prospective Proposers an opportunity to view the Center and ask questions about the Lease, proposal submittal process, and related matters, a pre-proposal inspection of the Center will be scheduled. It is strongly suggested that all Proposers attend the pre-proposal inspection. While attendance is not mandatory, it is the sole responsibility of the Proposer to become familiar with the scope of City's requirements prior to submitting a proposal. Submission of a proposal will be considered conclusive evidence that the Proposer has familiarized themselves with the Center as well as the nature and extent of the RFP requirements and shall be deemed to be agreement by each Proposer to fully abide by all of the terms and conditions of this RFP.

Date of Pre-Proposal Inspection:

November 13, 2013

Time: 9 a.m. to 10 a.m.

Place: 415 No. Euclid Avenue, San Diego, CA, (at 9 a.m. at entrance of the building).

Contact: Please contact proposal coordinator, Charmaine Gillis by November 8, 2013, at cgillis@sandiego.gov or by phone at (619) 236-6986 if you are planning to attend.

I. PROPOSAL SUBMISSION

1. Due Date

Proposals must be received at the address listed below no later than 4:00 p.m. on December 3, 2013.

Proposals received after that date and time will not be considered.

2. Place of Delivery

All proposals should be delivered to:

City of San Diego Real Estate Assets Department 1200 Third Avenue, Suite 1700 San Diego, CA 92101 Attn: Charmaine Gillis

3. Faithful Performance Deposits

All proposals <u>MUST</u> include a cashier's check or certified check in the amount of One Thousand Dollars (\$1,000) payable to the City Treasurer as a faithful performance deposit to ensure that, if the proposal is selected by the City, that the Proposer will enter in good faith into a lease agreement. <u>No personal checks will be accepted and no interest will be paid on deposits</u>. Failure by the Selected Proposer to enter into such an agreement shall result in a forfeiture to the City of the performance deposit. The deposits of all unsuccessful Proposers will be refunded within thirty (30) days after the acceptance by the City of the successful Proposer's proposal.

4. Number of Copies

Proposers are required to submit five complete copies of their proposals. All materials submitted by Proposers become the property of the City of San Diego and may not be returned, with the exception of the financial information. Financial documents, upon request, will be removed from each proposal and returned to the Proposer upon completion of City's review.

5. Contact Person

The proposal coordinator is Charmaine Gillis, Property Agent, City of San Diego. Ms. Gillis can be reached by email at <u>cgillis@sandiego.gov</u> or by phone at (619) 236-6986, between 8:00 a.m. and 5:00 p.m., Monday through Thursday.

J. PROPOSAL EVALUATION AND SELECTION

The City reserves the right to award the RFP to the Proposers who will best serve the interests of the City. The City reserves the right, based upon its deliberations and in its opinion, to accept or reject any or all proposals. The City also reserves the right to waive minor irregularities or variations to the specifications and in the bidding process provided that such a waiver complies with any and all applicable law.

Proposals are usually evaluated in a two-step process by an evaluation committee of qualified City staff and if necessary other persons selected by the City. In step one, the

committee will evaluate all responsive proposals based upon the information and references contained in the proposals as submitted. The committee will score and rank all responsive proposals and determine a minimum of three (3), if more than three (3) proposals are responsive, to be finalists for further consideration. If less than three (3) responsive proposals are received, the committee will give further consideration to all of the responsive proposals received. In step two, if the City deems it necessary, all finalists will be required to provide an oral presentation by appearing before the evaluation committee or by conference telephone call for clarification purposes only. In the event that the committee decides to perform other due diligence as it deems appropriate such as inspecting the existing facilities of any finalist, the committee shall inspect the facilities of all finalists. The committee will then re-score and re-rank the finalists' proposals. The highest ranked Proposer resulting from this process will be recommended to the City for award. Award of the lease will be based on the evaluation criteria listed below:

- 1. <u>Operational Proposal (Maximum 40 points):</u> The overall quality and attractiveness of the terms of the proposal. The extent to which the proposal understands and addresses the needs, goals and objectives of the City. Responsiveness of the proposal to requirements described in the RFP and its conformance with City objectives while providing overall the highest and best use of the Center as a community outreach center. The factors that will be considered include any improvements to be made to the Center as well as the number of programs to be offered, the overall quality of such programs, and the affordability of the programs to participants. The extent to which a proposal clearly addresses the elements of this RFP is a key factor in selection. A thorough, well-written proposal is essential.
- 2. Professional experience (Maximum 25 points): A summary of the Proposer's experience and qualifications for leasing and operating a non-profit community outreach center offering programs. Each Proposer should include verification that the Proposer's employees are well-qualified to successfully lease and operate a community outreach center. The committee will review the past experience of each Proposer with regard to whether and to what extent each Proposer has successfully leased and operated a community outreach center. A Proposer should have at a minimum three (3) years of experience in the past five (5) years in leasing and operating a community outreach center or similar operation. The committee may consider the quality of each Proposer's current operation of any such center or similar operation as well as its ability to maintain its existing facilities, if any.
- 3. <u>Financial Capability (Maximum 20 points)</u>. Each Proposer should exhibit the necessary financial responsibility and strength to successfully maintain and operated the Center and put on programs as part of the operation of the Center for the entire term of the Lease.
- 4. <u>Community/Public Service (Maximum 15 points)</u>. Each proposal will also be scored according to the Proposer's ability to contribute to, and meet the needs of, the

surrounding community through public outreach, public participation and by enhancing the visibility and public use of the Center.

Total Points: 100

K. INCURRED COSTS

The City shall not be responsible for any costs incurred by Proposers in the preparation and submission of proposals.

L. REVIEW OF PROPOSALS BY THE GENERAL PUBLIC

All proposals received shall be considered confidential until the City makes a selection at which time the proposals shall become public information and available to the public for review. However, all financial statement portions of each proposal <u>may be</u> permanently considered confidential and, therefore, not available for public review.

M. CITY RIGHT TO REJECT ALL PROPOSALS

The City reserves the right to reject all offers and proposals submitted in response to this RFP, including those submitted by Proposers who have any outstanding debt with the City that has not been resolved. The City reserves the right to determine which bid it deems in the best interest of the City to accept. The City also reserves the right to waive any informalities not material to cost or performance in any proposal provided that any such waiver is deemed to be inconsequential and does not provide an unfair competitive advantage to any Proposer.

N. OUALIFICATION OF PROPOSAL

THIS IS NOT A BID SOLICITATION AND THE CITY IS NOT OBLIGATED TO ACCEPT ANY PROPOSAL OR TO NEGOTIATE WITH ANY PROPOSER.

O. NON-DISCRIMINATION NOTICE

It is the policy of the City not to discriminate against the disabled in employment or provision of services. The information contained in this Request for Proposals will be made available in alternative formats to disabled persons upon request. It is the policy of the City of San Diego to encourage equal opportunity in its professional service contracts. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not do business with any firm that discriminates on the basis of race, religion, color, ancestry, age, gender, sexual orientation, disability, medical condition, or place of birth.

P. <u>COMPLIANCE WITH CITY'S EQUAL OPPORTUNITY CONTRACTING PROGRAM</u>

The Selected Proposer shall comply with the City's Equal Opportunity Contracting Program as detailed in the Lease attached as Exhibit B.

Q. RETURN OF FAITHFUL PERFORMANCE DEPOSIT

All good faith deposits will be returned to unsuccessful Proposers within thirty (30) days of final approval of the Selected Proposer. The deposit shall be refunded to the Selected Proposer within thirty (30) days of execution of the Lease by the Selected Proposer. Should the Selected Proposer unilaterally withdraw from Lease discussions or fail to timely execute the Lease, the Selected Proposer's deposit shall be forfeited to the City.

R. ASBESTOS DISCLOSURE

City discloses that portions of the structural component of the Center may contain asbestos. Proposer acknowledges having received notice from City of the presence of such asbestos in accordance with Health and Safety Code Section 25915. Proposer shall indemnify and hold City harmless from any loss or claim which may result from the existence of asbestos on the Center.

S. REAL ESTATE BROKER'S COMMISSION

The City of San Diego will not pay a brokerage commission as part of this Request for Proposal.

T. SCHEDULE OF EXIBITS

- 1. Exhibit A Aerial View of the Center
- 2. Exhibit B Work Force Report Form
- 3. Exhibit C Declaration Regarding Information Requested Under the California Public Records Act.

CRG/cb

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EXHIBIT "A" AERIAL VIEW OF THE PROPERTY

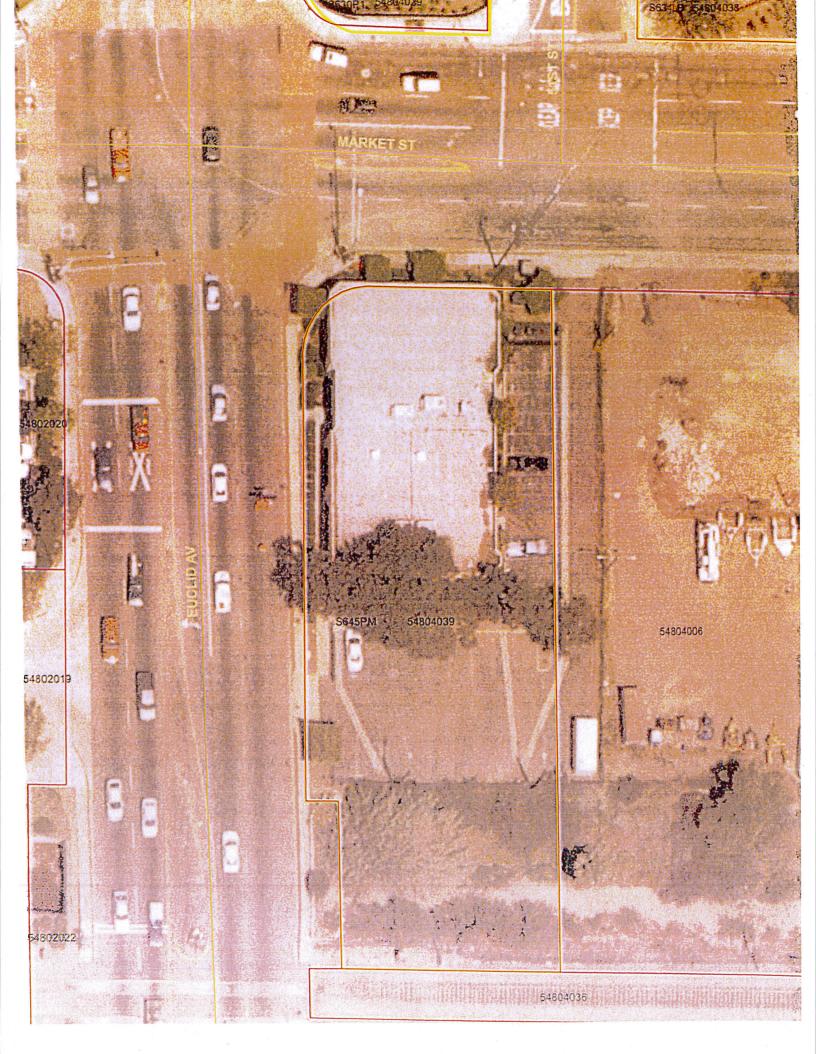


EXHIBIT "B" - Work Force Report



City of San Diego

EQUAL OPPORTUNITY CONTRACTING (EOC)

1010 Second Avenue • Suite 500 • San Diego, CA 92101

Phone: (619) 533-4464 • Fax: (619) 533-4474

WORK FORCE REPORT

ADMINISTRATIVE

The objective of the Equal Employment Opportunity Outreach Program, San Diego Municipal Code Sections 22.3501 through 22.3517, is to ensure that contractors doing business with the City, or receiving funds from the City, do not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to unlawful discrimination in the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. Contractors are required to provide a completed Work Force Report (WFR).

CONTRACTOR IDENTIFICATION Financial Institution ☐ Vendor/Supplier ☐ Grant Recipient Construction Lessee/Lessor Type of Contractor: Consultant ☐ Insurance Company Other Name of Company: __ AKA/DBA: ___ Address (Corporate Headquarters, where applicable): ____ County State Zip ___FAX Number: (___ Telephone Number: (____) Name of Company CEO: _ Address(es), phone and fax number(s) of company facilities located in San Diego County (if different from above): ____County ____ __ State _____ Zip _____ City ___ Telephone Number: _______FAX Number: (____) ______ Type of License: ____ Type of Business: ____ The Company has appointed: as its Equal Employment Opportunity Officer (EEOO). The EEOO has been given authority to establish, disseminate, and enforce equal employment and affirmative action policies of this company. The EEOO may be contacted at: Address Telephone Number: (____)___ FAX Number: (____) One San Diego County (or Most Local County) Work Force - Mandatory ☐ Branch Work Force * Managing Office Work Force Check the box above that applies to this WFR. *Submit a separate Work Force Report for all participating branches. Combine WFRs if more than one branch per county. I, the undersigned representative of _ (Firm Name) hereby certify that information provided (County) herein is true and correct. This document was executed on this _ (Authorized Signature) (Print Authorized Signature)

EOC Work Force Report (rev. 08/04)

1 of 2

Consultant Services

WORK FORCE REPORT – NA	ME OF FIRM				DA	ATE:	
OFFICE(S) or BRANCH(ES):					COUNTY:		
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OCCUPATIONAL CATEGORY	(1) Black	(2) Hispanic	(3) Asian	(4) American Indian	(5) Filip i no	(6) White	(7) Other Ethnicities
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EXHIBIT "C" – Declaration Regarding Information Requested Under the California Public Records Act

DECLARATION REGARDING INFORMATION REQUESTEDUNDER THE CALIFORNIA PUBLIC RECORDS ACT

The undersigned duly authorized representative, on behalf of the named Proposer declares and acknowledges the following:

Any information submitted in response this Request for Proposal is a public record subject to disclosure unless a specific exemption in the California Public Records Act applies.

If a Proposer submits information **clearly marked** confidential or proprietary, the City of San Diego (City) may protect such information and treat it with confidentiality only to the extent permitted by law. However, it will be the **responsibility of the Proposer** to provide to the City the specific legal grounds on which the City can rely in withholding information requested under the California Public Records Act, should the City choose to withhold such information.

General references to sections of the California Public Records Act will not suffice. Rather, the Proposer must provide a specific and detailed legal basis, including applicable case law that clearly establishes the requested information is exempt from the disclosure requirements of the California Public Records Act.

If the Proposer does not provide a specific and detailed legal basis for withholding the requested information within a time specified by the City, the City will release the information as required by the California Public Records Act and the **Proposer will hold the City harmless** for release of this information.

It will be the **Proposer's obligation to defend**, at Proposer's expense, any legal actions or challenges seeking to obtain from the City any information requested under the California Public Records Act withheld by the City at the Proposer's request. Furthermore, the Proposer shall **indemnify** the City and **hold it harmless** for any claim or liability, and **defend any action** brought against the City, resulting from the City's refusal to release information requested under the Public Records Act withheld at Proposer's request.

Nothing in this Agreement creates any obligation for the City to notify the Proposer or obtain the Proposer's approval or consent before releasing information subject to disclosure under the California Public Records Act.

Name of N	on-Profit Organization
Signature	of Authorized Representatives
D 1 . 1/D	
Printed/Ty	ped Name
Date	